

REMARKS

The Examiner allowed product claims 1-20. Applicants gratefully acknowledge the Examiner's indication of allowable subject matter.

However, claim 19 had been canceled in Applicants' prior office action response filed 01/28/2003. Accordingly, the listing of claims supra indicates that claim 19 has been canceled.

The Examiner states: "This application is in condition for allowance except for the presence of claims 21-40 to an invention non-elected with traverse in the reply filed on August 30, 2002. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144)."

In response, Applicants have canceled claim 39 and have taken other appropriate action. In particular Applicants are respectfully requesting that withdrawn process claims 21-38 and 40 be rejoined in accordance with Gazette Notice: Guidance on Treatment of Product and Process Claims in light of *In re Ochiai*, *In re Brouwer*, and 35 U.S.C. § 103(b) (Feb. 28, 1996)", which indicates that the Examiner should rejoin the withdrawn process claims that include all of the limitations of allowed product claims.

The preceding rule is also stated in MPEP 821.04: "... if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined."

Therefore, Applicants respectfully request that claims 21-38 and 40 be rejoined because:

- 1) process claim 21 includes all the limitations of allowed product claim 1;

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- 2) process claim 22 includes all the limitations of allowed product claim 2;
- 3) process claim 23 includes all the limitations of allowed product claim 3;
- 4) process claim 24 includes all the limitations of allowed product claim 4;
- 5) process claim 25 includes all the limitations of allowed product claim 5;
- 6) process claim 26 includes all the limitations of allowed product claim 6;
- 7) process claim 27 includes all the limitations of allowed product claim 8;
- 8) process claim 28 includes all the limitations of allowed product claim 7;
- 9) process claim 29 includes all the limitations of allowed product claim 9;
- 10) process claim 30 includes all the limitations of allowed product claim 10;
- 11) process claim 31 includes all the limitations of allowed product claim 11;
- 12) process claim 32 includes all the limitations of allowed product claim 12;
- 13) process claim 33 includes all the limitations of allowed product claim 13;
- 14) process claim 34 includes all the limitations of allowed product claim 14;
- 15) process claim 35 includes all the limitations of allowed product claim 15;
- 16) process claim 36 includes all the limitations of allowed product claim 16;
- 17) process claim 37 includes all the limitations of allowed product claim 17;
- 18) process claim 38 includes all the limitations of allowed product claim 18; and
- 19) process claim 40 includes all the limitations of allowed product claim 20.

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CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0457.

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